

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCOTT LOMBARDO, :
Plaintiff, :
: :
-v- : 07 Civ. 8674 (DLC)
: :
HOWARD HOLANCHOCK, Dr. CHANDRASEKHARA, : ORDER
FRANK BRUSINSKI, Dr. SHEYAS BAXI, Dr. :
SADORRA, LYNBURGH BURTON, ZELMA :
ARMSTRONG, JOHN DOE, :
Defendants. :
: :
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DENISE COTE, District Judge:

By Opinion dated today, defendants' January 25, 2008 motion to dismiss was granted in part. Plaintiff Scott Lombardo was granted leave to replead only his Ninth Cause of Action under the Sixth Amendment. In the Ninth Cause of Action, Lombardo essentially alleges that defendants interfered with his communication with his attorneys in connection with the underlying criminal case that resulted in his civil commitment. In this context, to succeed on a claim under the Sixth Amendment, Lombardo must demonstrate that a government actor "intentionally invaded the attorney client relationship, and resulting prejudice." United States v. Ginsberg, 758 F.2d 823, 833 (2d Cir. 1985) (citation omitted). Accordingly, it is hereby

ORDERED that Lombardo may file an amended complaint repleading only his Ninth Cause of Action under the Sixth Amendment by Friday, July 25, 2008. In the event no such pleading is filed by that date, this action shall be dismissed.

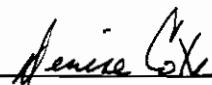
IT IS FURTHER ORDERED that, should Lombardo file such an amended complaint by July 25 and the defendants thereafter file a motion to dismiss the Sixth Amendment claim, the following schedule shall govern: The motion to dismiss is due August 22; Lombardo's opposition shall be due Friday, October 3; defendants' reply shall be due Friday, October 24.

IT IS FURTHER ORDERED that the parties will direct all correspondence relating to this case to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007.

IT IS FURTHER ORDERED that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, return of correspondence to plaintiff without further examination, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances.

SO ORDERED:

Dated: New York, New York
June 25, 2008



DENISE COTE
United States District Judge

Copies sent to:

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